



The Regular Meeting of the
Brian Head Town Council
 Town Hall Council Chambers
 56 N. Hwy 143, Brian Head, UT 84719
TUESDAY, FEBRUARY 22, 2011 @ 1:00 PM
AGENDA

- 1:00 PM**
- A. CALL TO ORDER**
 - B. PLEDGE OF ALLEGIANCE**
 - C. DISCLOSURES**
 - D. APPROVAL OF THE MINUTES:**
 - 1. February 8, 2011 Town Council Meeting
 - 2. February 8, 2011 Town Council Closed Session
 - E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
 - F. AGENDA TOPICS:**
 - 1. **ROCKY MOUNTAIN POWER COMMUNITY PERFORMANCE PLAN FOR 2011.** Tom Heaton, Rocky Mountain Power. Rocky Mtn. Power's annual Community Performance Plan for Brian Head Town for 2011. This item was tabled during the February 8, 2011 Council meeting.
 - 2. **ADJUSTMENT OF TOWN FEES RELATED TO THE FEBRUARY 1&2, 2011 POWER OUTAGE.** Bryce Haderlie & Tom Stratton. The Council will consider an adjustment to the Consolidated Fee Schedule due to the water leaks and damage during the February 1&2, 2011 power outage.
 - 3. **USDA PARTIAL PAY REQUEST FOR JANUARY, 2011.** Tom Stratton, Public Works Director. The Council will approve the January 2011 USDA partial pay request for water system improvements.
 - 4. **PUBLIC SAFETY EMERGENCY MANAGEMENT POLICY DISCUSSION.** Gary Bulloch, Public Safety Director. The Council will hold discussion on proposed emergency management policy to be implemented into Brian Head Town's Emergency Management Policy Plan.
 - 5. **RELOCATION OF OFFICERS FROM PUBLIC SAFETY BUILDING.** Gary Bulloch, Public Safety Director. Chief Bulloch will present possible options to relocate the officers to different locations due to the recent flooding and mold evaluation results.
 - 6. **CONSOLIDATED FEE SCHEDULE DISCUSSION.** Bryce Haderlie, Town Manager. The Council will hold discussion on the town's Consolidated Fee Schedule (A schedule of all fees charged by the Town of Brian Head).
 - 7. **2011-2012 ANNUAL BUDGET RETREAT DISCUSSION.** Alice Rogers, Receptionist. The Council will decide where the annual budget retreat will be held on April 7 & 8, 2011.

G. ADJOURNMENT

Dated the 18th Day of February, 2011

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 18th day of February 2011 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

 Nancy Leigh, Town Clerk

**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
TUESDAY, FEBRUARY 22, 2011 @ 1:00 PM**

Roll Call.

Members Present: H. C. Deutschlander, Stewart Fausett, Hans Schwob, Jim Ortler, Linda Ames

Staff Present: Bryce Haderlie, Nancy Leigh, Tom Stratton, Gary Bulloch, Wendy Dowland, Cecilia Johnson, Jared Burton

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

3. February 8, 2011 Town Council Meeting

Motion: Council Member Ortler moved to approve the February 8, 2011 Town Council minutes. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

4. February 8, 2011 Town Council Closed Session

Motion: Council Member Ortler moved to approve the February 8, 2011 Town Council Closed Session minutes. Council Member Fausett seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Nancy Leigh, Town Clerk, updated the Council on the status of the business licensing postcards sent to all Brian Head homeowners. The postcard informed homeowners of the licensing requirements for nightly rentals. Nancy went on to report that within the past two weeks; ten new business license applications have been received in which six applications identify nightly rentals.

Council Member Ortler, reported he and Mayor Deutschlander will be testifying at the State Senate Taxation Committee hearing on February 24, 2011, in Salt Lake City on a proposed Bill to eliminate the double taxation issue associated with the enhanced service fee. If the bill passes, then the enhanced service fee will be exempt from state sales taxes and a single rate will apply to a single sale. He will report back to the Council on the results.

Mayor Deutschlander reported on an article in the Utah Water Association Users newsletter regarding the 2011 legislative session (see attached article).

Bryce Haderlie, Town Manager

1. Inquired if the Council would consider utilizing a survey system to solicit public input on the proposed public safety building instead of an informal type of referendum that was discussed during the last Council meeting. Bryce reported he has spoken with legal who has advised if a referendum type of ballot which in any way looks like an election ballot or any kind of voting type of system is used, then it could raise an issue for the town. Staff has resources to put surveys on the town's website in order to solicit public input if the Council chooses.
2. At the direction of Council, a Request for Proposals template for the architect process has been drafted. Staff will be utilizing the information in the near future to advertise.
3. Updated the Council on his cell phone problems in which emails are received, but unable to respond. The state is currently working to resolve the problem.
4. Employee evaluations are currently in the process of being completed. Bryce reported the Council has scheduled his evaluation for March 8, 2011 Council meeting.
5. Staff participated in CPR and AED training on February 16, 2011 at the town hall. The employees received their CPR and AED cards and are now certified.
6. The Steam Engine Meadows SID trustee sale was held on February 18, 2011 at the Parowan Court House for the Canfield Lot #26. Three bidders attended the sale in which two of the individuals did not bring funds in order to

1 purchase the lot. The lot was sold for \$20,565.00 in which the town was owed \$20,564.15. A check will be
2 issued to the Canfield's for the difference.

- 3 7. Gaylen Matheson, Building Inspector, and he will be attending inspector meetings next week. Bryce will attend
4 the Wednesday and Thursday session in order to maintain their CEU for certification requirements.

- 5 8. There have been inquiries from the public on the public safety building. Bryce inquired if the Council would be
6 interested in holding an open house in order to allow the public to address their questions and/or concerns
7 regarding the public safety building project. Staff will be meeting with the Community Impact Board (CIB) on
8 March 11, 2011 for possible grant funding.

9 Discussion was held regarding the best possible means in informing the public and receiving the public's input on
10 the project. The following are suggestions made: 1) The town's website could be primary resource to distribute
11 and solicit public input on the project. 2) Staff will post the Needs & Assessment study completed by GSBS
12 Architects on the town website for public review. 3) An open house during the evening hours for the local
13 residents and a Saturday from 4:00 – 6:00 p.m. for homeowners to voice their opinions. 4) The utility billings as a
14 means of distributing information on the project to the public.

15 Council Member Ames requested she meet with the Town Manager to discuss possible options.

16 **Gary Bulloch, Public Safety Director**, updated the Council on the holiday weekend and the large number of people
17 visiting. Gary reported that President's weekend traditionally is host to several thefts, but due to the vigilance of the
18 officers who patrolled the resort's property and parking lots, no thefts were reported this year.

19 **Tom Stratton, Public Works Director**, reported the winter storm that hit during the holiday weekend. Tom reported the
20 public works crews were busy with plowing snow and assisting the guests.

21 **Cecilia Johnson, Town Treasurer**, distributed the monthly budget report for January, 2011 to the Council (see attached).
22 Council Member Ortler inquired as to the status of the large amount of property tax revenues the town received for the
23 2010 year. Cecilia reported the final property tax revenue for 2010 and was higher than anticipated which may be due to
24 the redemption the town received. Bryce reported White Bear Condos have paid their delinquent taxes in which the town
25 received approximately \$90,000.00. Staff will verify the amount from the redemption and report back to Council.

26 **Shelly Calloway, Apple Annies Store**, requested the Council reconsider the water meter fee for commercial businesses.
27 Ms. Calloway stated she is billed \$120.00 per month with no allocation of water while the residential fee allows for 5,000
28 gallons of water with their base meter rate for water. Ms. Calloway stated she believes it penalizes the small businesses in
29 town such as P&D Real Estate, Brian Head Sports, and Mi Pueblo Mexican Restaurant.

30 **F. AGENDA TOPICS:**

31 **1. ROCKY MOUNTAIN POWER COMMUNITY PERFORMANCE PLAN FOR 2011.**

32 Rocky Mtn. Power's annual Community Performance Plan for Brian Head Town for 2011.

33 Tom Heaton, Rocky Mountain Power, presented the Rocky Mountain Power 2011 Community Performance Plan for Brian
34 Head Town (See attached). Mr. Heaton explained he is also present to address any questions or concerns regarding the
35 February 2, 2011 20-hour power outage that affected Brian Head.

36 Discussion was held on the following:

- 37 1. The Rocky Mountain Power press release identified incorrect times for restoring the power. The release showed
38 the power restored, but was only to the north side of Brian Head where their substation is located. The south side
39 of Brian Head did not have the power restore for an hour and a half later. The south side of town received the
40 majority of damage from frozen water lines. Mayor Deutschlander reported the power was on at the substation,
41 located on the north side of town, and the crews were circulating through town disconnecting the circuit breakers
42 on the poles which kept tripping. This took an additional 2-3 hours to work to the south side of town and get
43 power restored.
- 44 2. Council Member Ortler inquired if Rocky Mountain Power had any internal efforts they wish to discuss today in
45 preventing future outages. Mr. Heaton reported that due to the geographical nature of Brian Head, the town is
46 more susceptible to problems. Mr. Heaton presented photos of crews in mountainous terrain conditions (see
47 attached) and updated the Council on a power outage in Garfield County which took 2-3 weeks to restore power.
- 48 3. Council Member Ortler stated one of the biggest issues was the timeframe in which Rocky Mtn. Power kept
49 reporting to the public the power would be restored. It was reported the power would be restored within two
50 hours and then extended the time every two hours. If the public was aware there could be the possibility of a 20-
51 hour outage, then precautions could have been taken.
- 52 4. Rocky Mountain Power will continue to upgrade the 69KV line to provide improvements. More tree removal
53 along the lines may take place.
- 54 5. Whether the removal of the old power lines along Parowan Canyon was necessary or if the power lines remained
55 if they could be used as alternate power if the 69KV line failed again. Mr. Heaton explained that due to liability
56 issues, it is the policy to remove old power lines, but he will investigate the possibility of keeping the lines up
57 Parowan Canyon as an alternate power source for Brian Head.

- 1 6. The cause of the power outage was a broken insulator that froze due to the -20 degree temperatures that night.
2 Mr. Heaton reported that Rocky Mountain Power cannot guarantee continuous service at all times, due to the
3 extreme conditions in Brian Head.

4 The Council then reviewed the Rocky Mountain Power 2011 Community Performance Plan. Council Member Ortler
5 suggested additional language be added to Goal #1 under "and redundancy study". Mr. Heaton reported he will consult
6 with the engineer to determine if there is a way of providing such a system.

7 The Council requested Mr. Heaton work with the Town Manager on the language for the proposed changes to the 2011
8 Community Performance Plan.

9 **Motion:** Council Member Ortler moved to authorize the Town Manager to sign the Rocky Mountain Power 2011
10 Community Performance Plan with the proposed change to goal #1. Council Member Ames seconded
11 the motion.

12 **Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Fausett,**
13 **Council Member Schwob, Council Member Ortler, Council Member Ames).**

14 **2. ADJUSTMENT OF TOWN FEES RELATED TO THE FEBRUARY 1&2, 2011 POWER**

15 **OUTAGE.** Consolidated Fee Schedule Discussion due to the water leaks and damage during the February 1&2, 2011 power
16 outage.

17 Mayor Deutschlander reported he has requested this item be on the agenda for discussion to determine if adjustments to
18 water fees for homeowners who experienced broken water pipes from the February 2, 2011 power outage need to be
19 considered. Mayor Deutschlander gave a brief explanation of the 20-hour power outage in which temperatures dropped
20 below -20 degrees and water pipes broke in many of the condos and cabins throughout Brian Head.

21 The Council reviewed the Consolidated Fee Schedule with the following items of discussion:

- 22 1. The majority of condominiums did not exceed their minimum water usage for the month since every condo unit
23 has a 5,000 gallon allocation with their base rates.
24 2. The Council previously set policy in which a homeowners requesting relief from water line breaks and excessive
25 water usage were given relief on the sewer portion of rates, but were required to pay for the water used.
26 3. The town's obligations in ensuring the bond payments are made.
27 4. Cabins with broken water lines experienced the water overage charges, but homeowners insurance should cover
28 the costs of any overages if a claim was submitted.
29 5. The Public Works crew worked on turning off the water to those cabins/condos with broken water lines in order to
30 prevent any further damage.
31 6. Discussion on whether the Council should grant relief on the building inspections for repair of sheetrock for
32 damaged units/cabins.

33 Council Member Fausett was excused from the meeting at 1:57 p.m.

- 34 7. Bryce explained the Council has the option to reduce the costs to cover only the administrative cost of the
35 building inspections for emergency repairs.
36 8. Occupancy was revoked from the Edelweiss Condominiums due to the damage of the fire suppression system and
37 the building not having a secondary exit as per the fire code. Chief Bulloch gave a brief history of the Edelweiss
38 condo issues in which the HOA promised to fix the secondary exits and keep their occupancy as long as they had
39 an operable fire suppression system. They have been notified their occupancy could be restored if they had a fire
40 watch and they have chosen not to take that option.
41 9. Edelweiss HOA's is requesting relief from their entire monthly utility billing stating their occupancy is revoked
42 (see attached letter). Legal has reported that Edelweiss has the ability to use the water and the town has not
43 discontinued any water service to their condos.

44 **Consensus of the Council:**

- 45 1. **Water usage overages that are due to the frozen pipe breaks from the February 2, 2011 freeze:** If the bill is
46 a large amount, the homeowner has the option to set up a payment plan with the town. This is currently the
47 town's policy in working with homeowners.
48 2. **Edelweiss Condo HOA's request for relief from their monthly utility billing:** Their current utility billing
49 includes water, sewer and garbage and the town will continue to charge the minimum utility fees for all of the
50 units. No relief was granted.
51 3. **Building permits:** The town will allow one building permit for a condominium building instead of each unit for
52 the repair of the water damage from the February 2, 2011 freeze. The fee will remain at \$50.00.

53 **3. USDA PARTIAL PAY REQUEST FOR JANUARY, 2011.** The January 2011 USDA partial pay request for
54 water system improvements.

55 Tom Stratton, Public Works Director, presented the January, 2011 Partial Pay Request #17 for Administration in the
56 amount of \$29,030.35 (see attached).
57

Motion: Council Member Ames moved to approve the partial pay request #17 for Administration in the amount of \$29,030.35. Council Member Schwob seconded the motion.

Discussion was held regarding Mammoth tank construction partial pay request #2. The item identifies a pending note still attached. Tom Stratton, Public Works Director, responded the note refers to a decision pending from USDA on the interest associated with the snowmaking line purchase. Staff is awaiting a decision from USDA and will report back to the Council.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Mayor Deutschlander, Council Member Schwob, Council Member Ortler, Council Member Ames. Absent: Council Member Fausett).**

Tom updated the Council on the delivery of the generator for the Mammoth tank scheduled for Friday, February 25, 2011. Tom went on to report on the Request for Proposals for the Bearflat well is scheduled for bid opening on March 21, 2011, and a walk thru on March 7, 2011.

4. PUBLIC SAFETY EMERGENCY MANAGEMENT POLICY DISCUSSION. Discussion on a proposed emergency management policy to be implemented into Brian Head Town's Emergency Management Policy Plan. Gary Bulloch, Public Safety Director, presented three proposed addendums to the Emergency Management Policy for Council's review (see attached). Gary explained the Emergency Management Policy was adopted in 2008 (see attached) but was directed by Council to develop plans for emergencies in Brian Head. Gary went on to report that in researching other communities' plans, he has created a response guide geared towards the Incident Control System (ICS).

The Council held discussion on the following:

1. Whether the plan should address specifics or should be general in nature in order to provide for flexibility.
2. The Council will create scenarios for a table top exercise to determine if the plan should be general in nature.
3. If a current database of homeowners is identified.
4. An ICS identifies a specific plan created right before or during the emergency in order to identify individual tasks. This would be created by Chief Bulloch and/or Bryce Haderlie.

Consensus of the Council: Each Council Member will create a scenario for a total of five scenarios and present for a table top exercise before the adoption of the proposed addendums to the Emergency Management Policy.

5. RELOCATION OF OFFICERS FROM PUBLIC SAFETY BUILDING. Discussion on possible options to relocate the officers to different locations due to the recent flooding and mold evaluation results.

Gary Bulloch, Public Safety Director, explained that the public safety officers have been moved out of the public safety building due to mold issues and recent damage to the building during the February 2, 2011 freeze. Staff has solicited bids from local businesses for office space in town. This would be a temporary situation for the officers until the new public safety building is completed.

Gary reported on the following office space options:

1. Mi Pueblo Mexican Restaurant has a space in the basement but is in of construction to complete the area for office space. There is also an issue of limited parking spaces.
2. P&D Real Estate are looking to sell the building and are not interested in renting office space at this time.
3. Timberline Realty office has submitted a bid in the amount of \$750.00 p/month, with no utilities included.
4. High Country Realty office located on the north side of Brian Head has submitted a quote in the amount of \$600.00 p/month with utilities included.
5. Staff has researched mobile trailers which have additional costs associated in providing water, sewer, telephones and power to the building.

Bryce Haderlie, Town Manager, reported staff has not visited the two offices (High Country Realty & Timberline) yet, but would like to visit with both owners to determine the best option for the town. Bryce explained this is an emergency expenditure that has not been budgeted for and will be identified in the General Fund.

Motion: Council Member Ortler moved to authorize staff to visit with both owners, Lori Brooks and Joan Mortensen, to determine the best option for office space lease for the officers and not to exceed \$750.00 per month. Council Member Ames seconded the motion.

Action: Motion carried 4-0-0 (**summary: Yes = 4 Vote: Yes: Mayor Deutschlander, Council Member Schwob, Council Member Ortler, Council Member Ames. Absent: Council Member Fausett).**

6. CONSOLIDATED FEE SCHEDULE DISCUSSION. Discussion on the town's Consolidated Fee Schedule (A schedule of all fees charged by the Town of Brian Head).

Bryce Haderlie, Town Manager, presented the Consolidated Fee Schedule for an annual review by the Council (See attached). Bryce explained Council requested the water fees be reviewed after one year. Bryce requested input from the Council on all town fees they would like to address during the annual budget retreat.

The Council held discussion on the following items:

1. Commercial water rates are to be reviewed to determine if a base amount of water should be allocated to the businesses in their base fee. Council Member Ames commented she would like more information on how it would impact the fees the town is currently collecting. Tom Stratton, Public Works Director, responded that all

1 but one meter is installed and the town has current readings on all of the cabin/condo projects with the exception
2 of Chalet Village, due to litigation issues between HOA's.

- 3 2. Solid waste fees are to be reviewed to determine if the fees could be lowered. Mayor Deutschlander
4 recommended the fees would first need to be analyzed to determine if the town could receive compensation from
5 the County for garbage collection outside of the town boundaries. Council Member Ames requested staff submit
6 a list of options to Council before a decision is to be made.
- 7 3. Business License fees are to be reviewed to determine if nightly rental fees should be identified differently.
- 8 4. Mayor Deutschlander inquired if the town has the ability to contact the County regarding town services to county
9 residents for police/fire, search & rescue and garbage collections.
- 10 5. Copy fees are to be reviewed.
- 11 6. The Subdivision Completion Bond fee was discussed. Bryce explained the Planning Commission is currently
12 reviewing the Land Management Code for proposed changes in the Planned Unit Development (PUD)
13 requirements along with the bond requirements.
- 14 7. Impact fees are to be reviewed.
- 15 8. Building Permit fees for remodels are to be reviewed.

16 **7. 2011-2012 ANNUAL BUDGET RETREAT DISCUSSION.** A location of the annual budget retreat to be
17 determined.

18 Alice Rogers, Receptionist, presented a list of hotel accommodations for the annual budget retreat (see attached).

19 **Consensus of the Council:** The LaQuinta Hotel located near the Bluffdale exit in St. George was accepted for
20 accommodations. Staff will inquire about the rates for the Utah League of Cities and Towns mid-year Conference held in
21 St. George in April.

22 **G. ADJOURNMENT**

23 **Motion:** Council Member Ames moved to adjourn the regular meeting of the Town Council for February 22,
24 2011. Council Member Ortler seconded the motion.

25 **Action:** Motion carried 4-0-0 (**summary:** Yes = 4 **Vote: Yes:** Mayor Deutschlander, Council Member Schwob,
26 Council Member Ortler, Council Member Ames. **Absent:** Council Member Fausett).

27
28 The regular meeting of the Brian Head Town Council was adjourned at 3:15 p.m. for February 22, 2011.
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31

32 March 22, 2011

33 Date Approved
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Nancy Leigh, Town Recorder/Clerk